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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/716,199

11/17/2003

Takahiko Koizumi

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EXAMINER

DURNFORD GESZVAI, DILLON

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

01/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/716,199	KOIZUMI ET AL.	
	Examiner	Art Unit	
	Dillon Durnford-Geszvain	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/5/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims **1, 2, 4-6** and **8-11** are pending, claims **1, 4, 5** and **8-11** have been amended and claims **3** and **7** have been cancelled.

Response to Arguments

2. Applicant's arguments filed 11/5/2007 have been fully considered but they are not persuasive. The independent claims recite the limitation "in cases where the image production record information includes subject distance information ..." The language used renders the limitations that follow optional. See MPEP 2111.04.
3. Claim **4** recites a similar limitation regarding the lens focal distance information.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims **1, 2, 4, 6** and **9-11** rejected under 35 U.S.C. 102(b) as being anticipated by US 5,313,277 (Suzuki).

As to claim **1**, Suzuki teaches an image processing method for processing an image using image data produced by an image producing device (see Fig. 2), and image production record information which includes at least information relating to shooting conditions at the time of production of the image data (see Column 3 lines 58-68 and note that at least photometry data is taken), and which is associated with the

image data, the method comprising the steps of:

(a) performing color balance adjustment processing of the image data (Column 2 lines 53-56), herein the step (a) includes the steps of :

in cases where the image production record information includes subject distance information relating to a distance between the image producing device and the subject of the image data at the time of the production of the image data (as discussed above these limitations are written in a manner that makes them entirely optional),

(i) determining differences of respective color components of pixels that have colors close to a present memory color from the respective color components of a preset target color in the image data by analyzing the image data; and

(ii) adjusting a processing amount of the color balance adjustment processing in accordance with the differences and the subject distance information,

and wherein the step (ii) includes the step of adjusting a proportion of the processing amount of the color balance adjustment processing with to the differences so that the proportion is large when the distance represented by the subject distance information is small.

As to claim 2, see the rejection of claim 1 and note that Suzuki further teaches an image processing method according to claim 1, wherein the color balance adjustment processing is performed for the entirety of the image (Column 5 lines 59-68 and Column 6 lines 46-55).

As to claim 4, see the rejection of claim 1 and note that the limitations of this claim are entirely predicated on whether the image production record information contains focal distance information and therefore the limitations are optional as discussed above in the response to arguments.

Claim 6 depends from claim 4 and is entirely dependant on the claim limitations that have been rendered optional by the language of claim 4.

Claim 9 is an apparatus that corresponds to the method of claim 1 and therefore is rejected on the same grounds but drawn to an apparatus.

Claim 10 is a computer program product that performs the steps of the method of claim 1 and therefore is rejected on the same grounds as the method of Suzuki is carried out using a microcomputer 13 (see Column 4 lines 1-8) and therefore must necessarily use a program to perform the method.

Claim 11 essentially is an output device for outputting image data processed by the method of claim 1 with an apparatus corresponding to claim 9 and therefore is rejected on the same grounds as claims 1 and 9 as Suzuki discloses such an output device 9 (see Fig. 1, Column 2 lines 13-18 and Column 3 lines 62-68).

6. Claims **1, 2, 5, 7** and **8-11** are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,249,317 (Hashimoto et al.).

As to claim **1**, Hashimoto et al. teaches an image processing method for processing an image using image data produced by an image producing device (see Fig. 3), and image production record information which includes at least information relating to shooting conditions at the time of production of the image data (see Column 5 lines 54-67 and note that it at least records the amount of high saturation pixels of each color and the number of skin-colored pixels), and which is associated with the image data, the method comprising the steps of:

(a) performing color balance adjustment processing of the image data (Column 6 line 56 to Column 7 line 17), wherein the step (a) includes the steps of :

in cases where the image production record information includes subject distance information relating to a distance between the image producing device and the subject of the image data at the time of the production of the image data (as discussed above these limitations are written in a manner that makes them entirely optional),

(i) determining differences of respective color components of pixels that have colors close to a present memory color from the respective color components of a preset target color in the image data by analyzing the image data; and

(ii) adjusting a processing amount of the color balance adjustment processing in accordance with the differences and the subject distance information,

and wherein the step (ii) includes the step of adjusting a proportion of the processing amount of the color balance adjustment processing with to the differences

so that the proportion is large when the distance represented by the subject distance information is small.

As to claim 2, see the rejection of claim 1 and note that Hashimoto et al. further teaches an image processing method according to claim 1, wherein the color balance adjustment processing is performed for the entirety of the image (Column 7 lines 9-17 and note that the color balance of the whole image is adjusted based on different regions).

As to claim 5, see the rejection of claim 1 and note that Hashimoto et al. further teaches an image processing method according to claim 1, wherein the step (a) includes the steps of: calculating a proportion of pixels (number N_f) that have a color close to a preset memory color (skin color, for example) by analyzing the image data (see Column 6 lines 56-67); and performing color balance adjustment processing using the proportion of the pixels (Column 7 lines 28-45).

As to claim 8, see the rejection of claim 1 and note that Hashimoto et al. further teaches an image processing method according to claim 1, wherein the method further comprises the steps of:

judging whether or not operating settings of the image producing device at the time of the production of the image data are suitably set for portrait images by analyzing the image production record information in cases where the image production record

information includes shooting mode information relating to the operating settings (Column 6 lines 56-67, note that the count values correspond to record information and the saturation amount determines whether the device is suitably set for portrait images); and

performing the step (a) in cases where the judgment is affirmative (note that this limitation does not preclude performing step (a) in cases where the judgment is negative, and therefore as Hashimoto et al. performs color balance processing regardless of the count values it discloses this feature, see Column 7 lines 9-17).

Claim 9 is an apparatus that corresponds to the method of claim 1 and therefore is rejected on the same grounds but drawn to an apparatus.

Claim 10 is a computer program product that performs the steps of the method of claim 1 and therefore is rejected on the same grounds as the method of Hashimoto is carried out using a CPU 314 (see Column 5 lines 54-67) and therefore must necessarily use a program to perform the method.

Claim 11 essentially is an output device for outputting image data processed by the method of claim 1 with an apparatus corresponding to claim 9 and therefore is rejected on the same grounds as claims 1 and 9 as Hashimoto et al. discloses such an output device 306 (see Fig. 3 and note that video is outputted from 306).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon Durnford-Geszvain whose telephone number is (571) 272-2829. The examiner can normally be reached on Monday through Friday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dillon Durnford-Geszvain

1/22/2007

A handwritten signature in black ink, appearing to read 'Lin Ye', with a stylized flourish at the end.

LIN YE
SUPERVISORY PATENT EXAMINER